

DOCKET FILE COPY ORIGINAL

Before the
Federal Communications Commission
Washington, D.C.

RECEIVED

FEB 24 1997

FCC MAIL ROOM

In the Matter of)
Closed Captioning and Video Description)
of Video Programming)

MM Docket No. 95-176

Implementation of Section 305 of the)
Telecommunications Act of 1996)

Video Programming Accessibility)

Comments of
Jerald M. Jordan

1. Introduction

I am a deaf consumer who has watched television since it first became commercially available. I currently subscribe to cable with one premium channel, HBO. I do not own a television set with a built-in decoder and rely on an old Telecaption II box.

2. Transition Schedule

The proposed schedule of eight years is overly generous for the major networks and for premium and pay-per-view channels. These companies have ample resources to accomplish 100% captioning in a much shorter period of time. They have the resources, the background, the knowledge, the contacts and the expertise to proceed without delay. They lack only the push to do this. A four-year schedule would be more than sufficient.

C. 12. The comment that "the few PBS programs that are not closed captioned

are visually oriented..." does not jibe with my experience. Their movies, for example, are not closed captioned, as a rule.

C.15. "...in 1995, HBO had captioning on 76% of its theatrical motion pictures,..." Perhaps they did but I was still paying 100% of their premium. So, what's the point? Why do they need eight years to accomplish the other 24%?

C.16. "Broadcast and cable networks such as NBC and HBO state that even for uncaptioned promotional spots, information...is often displayed visually..." Not true. HBO, for example, has 15-minute or more promotional spots talking about the making of a movie (which they are promoting) which is not captioned. If "interstitials" are so easily understood without captions, why are they always accompanied by audio?

F. Captioning Resources. As a consumer, I do not claim to have technical knowledge. However, I do note that quite a few of the larger companies (including HBO) are now doing their own in-house captioning. I do not know if the FCC took this into account when compiling their information. Further, closed captioning is becoming increasingly feasible to persons with a high-end computer and the proper software. Thus it would seem that the resources are there.

3. Responsibility for Captioning

I agree with the proposal that the providers should have the responsibility for compliance. The major providers purchase programming and thus have considerable control over it. If they decline to purchase non-captioned programs, then the producers most certainly will caption their products.

2. Request For Comment 47. If a provider chooses to edit a previously-captioned program, then the provider should be required to reformat the captions; no exemptions.

4. Library Programming

While I can sympathize with the cost burden of captioning library programs, the fact remains that most cable providers display very little other than library programming. If library programming is exempted, then cable will remain largely inaccessible to the

deaf consumer. I attach the cable listings for just one typical day from my local guide as an example of how very little cable is captioned. Surely it was not the intent of congress to exempt this significant portion of the broadcast spectrum.

D. 64. "HBO recommends blanket exemptions for live and interstitial programming as well as pay-per-view and pay-per-channel premium services." It is ironic that they would call these "premium services" and also make them inaccessible to the deaf consumer. These are just the type of services (extra-cost) that should **not** be exempted.

D. 79. "...we conclude that most interstitials and promotional advertisements provide their principal information in textual form." That definitely is not my experience at all. If such is the case then may I suggest that they also not be accompanied by an audio track? That would certainly quickly lay to rest the question of how clear and understandable they are.

E. 87. I find it difficult to understand why an existing contract should prohibit closed captioning. I further find it incomprehensible why it should be allowed to be considered a valid reason for exempting a program or why such contracts should be allowed in the future.

5. Standards for Accuracy and Quality

I fully subscribe to the guidelines recommended to the Commission in item 106. Too long the deaf consumer has been expected to be happy with having any captions at all. Must we always settle for half a loaf being better than none? Is it ungrateful or unreasonable to ask that the captions be accurate, grammatical, properly spelled and properly positioned? The FCC must provide minimum standards of quality for closed captions. These standards should not interfere with experimentation with new techniques and need not do so. However, it is not sufficient to leave this to the market place. Captions have been around for some time now and problems still persist.

6. Enforcement and Compliance Review Mechanisms

The Commission must make uncomplicated and speedy any method of filing a complaint. Requiring video tapes or logs is a bit much to expect of the average consumer. Providers should be required to have a toll-free number which can be used to register complaints. At present time it is difficult to find out who and where to register a comment or complaint about a program. However, a much better solution would be for the FCC itself to be the place to register a complaint. This would make it much simpler for the deaf consumer to exercise his right to do so.

Conclusion

Like most deaf consumers, I strongly feel that all audio should be accompanied by text in one form or another. However, I recognize that this will take some time to accomplish, if it is accomplished at all. I would quite happily settle for a *good faith* effort on the part of the providers to accomplish this goal. If they would expend as much effort into improving their captions and into seeking better technology to accomplish this as they do into avoiding and fighting captioning, then this would happen without regulation. Lacking that, I must depend on the efforts of the FCC to reach this goal.

I thank the FCC for this opportunity to provide my comments.

Respectfully,

A handwritten signature in cursive script, reading "Jerald M. Jordan". The signature is fluid and extends to the right.

Jerald M. Jordan

826 Locust Drive

West River, MD 20778

(301)261-9969 TTY

(301)261-9492 FAX

February 21, 1997

CABLE HIGHLIGHTS

6:00 PM A&E QUINCY Quincy's latest case leads him through prison gates when he investigates an inmate's bizarre death. (1 hr.)

6:00 PM USA RENEGADE Reno protects an alleged industrial spy while Bobby and Cheyenne attempt to recover an incriminating diary from Ted Bronson's mansion. (Part 2 of 2) (CC) (1 hr.)

6:30 PM HIST PERSPECTIVES Using excellence to break the barriers built by racism, Jackie Robinson became Major League Baseball's first black player. (R)

7:00 PM A&E EQUALIZER A mentally challenged man seeks McCall's help when he is falsely accused of murdering a co-worker. (1 hr.)

7:00 PM DIS BROWN BEAR'S WEDDING Brown Bear falls in love with White Bear and decides that he must win her heart. (R) (CC) (1 hr.)

7:00 PM DSC SEA WINGS The French-made Entendards of the early 1960s allowed the French to project far-reaching power without relying on British or American help. (R) (1 hr.)

7:00 PM FAM WALTONS Ben falls head over heels in love. (1 hr.)

7:00 PM HIST VIETNAM WAR U.S. involvement is traced from the fall of Diem Bien Phu to the Tonkin Gulf incident. (1 hr.)

7:00 PM SCI-FI TIME TRAX In the year 2193, Darien Lambert travels back to 1993 to capture criminals who escaped to the 20th century. (Part 2 of 2) (1 hr. 1 min.)

7:00 PM TNN DUKES OF HAZZARD A famous racing champion arrives in Hazzard to visit a sick boy and helps the Dukes solve a bank robbery. (1 hr.)

7:00 PM USA HIGHLANDER: THE SERIES In agony over the death of their friend Darius, Duncan and another Immortal go in search of a group of mortals bent on their destruction. (CC) (1 hr.)

7:25 PM DIS WHITE BEAR'S SECRET Newlyweds

TUESDAY CABLE

White Bear and Brown Bear settle down in their log cabin. (R) (CC)

7:30 PM SHO WAYS OF HARMONY The task of moving a piano makes a couple argumentative.

8:00 PM A&E BIOGRAPHY The simple story of Adam and Eve continues to influence Western hearts and minds. (R) (1 hr.)

8:00 PM COM TIM ALLEN REWIRES AMERICA The star of "Home Improvement" celebrates the joys of manhood. (R)

8:00 PM DSC WILD DISCOVERY The short life of the dung beetle is followed after it emerges from the soil following brief African rains. (R) (1 hr.)

8:00 PM FAM HIGHWAY TO HEAVEN An unmotivated man must make decisions regarding his personal life. (CC) (1 hr.)

8:00 PM HIST ASSASSINATIONS THAT CHANGED THE WORLD Gandhi, Sadat and other peace-respecting politicians whose assassinations were connected with religious fanaticism. (R) (1 hr.)

8:00 PM NICK SECRET WORLD OF ALEX MACK Alex finds that she has super strength. (R) (CC)

8:00 PM TNN LEGENDS OF COUNTRY MUSIC Faith Hill, Brenda Lee and Yakov Smirnoff join host Loretta Lynn in performance and conversation. (1 hr.)

8:00 PM USA WESTMINSTER KENNEL CLUB DOG SHOW Closing session of the 121st annual dog show from Madison Square Garden in New York. Hosts: Joe Garagiola and David Frei. (3 hrs.)

8:01 PM SCI-FI TEKWAR Jake and a group of escaped convicts must undergo cryogenic freezing when a computer tries to kill them. (R) (CC)

8:30 PM COM TIM ALLEN: MEN ARE PIGS From the State Theatre in Kalamazoo, Mich., comic Tim Allen examines men's obsession with hardware. (R)

8:30 PM TLC AMAZING AMERICA Battling robots; a gathering of car buffs; skysurfing.

9:00 PM COM A-LIST Guests: Larry Miller and Ellen DeGeneres. Host: Richard Lewis. (R) (CC)

9:00 PM DSC MYSTERIOUS UNIVERSE The possibility of a completely unknown species of big cat.

9:00 PM HIST GREAT SHIPS The small, wooden Patrol Torpedo boats of World War II became a legend by destroying steel-hulled giants. (R) (1 hr.)

9:00 PM SCI-FI FOREVER KNIGHT Natalie is stalked by a killer who meets his victims through a dating service, and she learns the truth about Nick's secret past. (CC) (1 hr.)

9:00 PM TLC ROYAL SECRETS Affairs with royalty that turned deadly, including Anne Boleyn's flirtation with Henry VIII. (R)

9:30 PM DSC WORLD OF WONDER How scientists grew a human ear on the back of a mouse; protecting ships from icebergs; how babies swim. (R)

9:30 PM HBO COMEDY HOUR Comic Damon Wayans returns to the stage to reflect on relationships, fatherhood and other natural disasters. (R) (1 hr.)

9:30 PM TLC ROYAL SECRETS A Transylvanian prince's thirst for blood; insanity of Bavaria's King Ludwig. (R)

10:00 PM DSC WORLD OF DISCOVERY The predators and prey that make their homes in rivers, from the headwaters to the estuaries. (1 hr.)

10:00 PM HIST HISTORY UNDERCOVER The dreadful stories of people held captive for Japanese war crimes and their trials that followed. (1 hr.)

10:00 PM SCI-FI VR.5 Sydney begins questioning the Committee about her sudden skill after learning more about Dr. Morgan's death. (1 hr.)

10:00 PM TLC HUMAN ANIMAL: A PERSONAL VIEW OF THE HUMAN SPECIES Scientists study gestures, smiles and hand motions to understand human communication. (R) (1 hr.)

10:00 PM TNN RALPH EMERY ON THE RECORD WITH GEORGE AND BARBARA BUSH The former president and former first lady appear. (R) (1 hr.)

10:30 PM MTV WORLD TOUR Rodman goes to Rome. (R)

IT'S CALLED A 'CANNED HUNT'

YOU'LL CALL IT OUTRAGEOUS.

Tonight the I-TEAM investigates a practice even real NEWS hunters find deplorable. It's called a 'Canned Hunt' and it's perfectly legal, if you have the stomach for it.

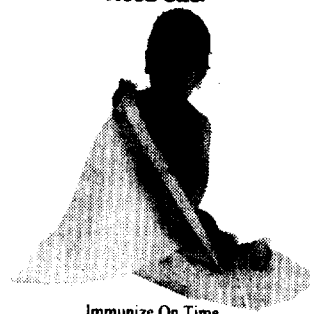


TONIGHT ON NEWS 7 AT 11:00

We Can Think Of 9
Good Reasons To
Immunize On Time.

Measles
Mumps
Diphtheria
Tetanus
Hepatitis B
Rubella
Spinal Meningitis
Pertussis
Polio

But You Only
Need One.



Immunize On Time.
Your Baby's Counting On You.
Call 1-800-232-2522



U.S. Department of Health and Human Services

